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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,476

07/26/2007

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TAMAYO-0003

7042

51353

7590

05/03/2011

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EXAMINER

AYRES, TIMOTHY MICHAEL

ART UNIT

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3637

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/579,476	SERRANO RODRIGUEZ, GUSTAVO	
	Examiner	Art Unit	
	TIMOTHY M. AYRES	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-17, 19 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-17, 19 and 21-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/14/11 has been entered.

Claim Rejections - 35 USC § 103

2. Claims 15-17 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 2,017,553 to Troiel in view of US Patent 2,963,763 to Cluyse, US Patent 3,930,633 to Wolf, and US Patent 2,693,628 to Hummel. Troiel teaches a modular formwork system for concrete molding comprising multiple formwork modules (10). The formwork module (10) has reinforcing elements (18) and strut elements (11). Distance elements (15) are attached via locking elements that are bent nails into receiving holes (12) in the top flange (11) that is considered to be positioned at the corners on the back surface as in figure 1. Linking elements (17) are used to help align adjacent formwork modules. Alignment elements (21,21a) and gripping elements (fig 7 and 8) help to true up to modules into a straight configuration. An L-shaped angular element (41) creates an outer corner connection between formwork modules

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while rectangular shaped (40) creates an internal corner between formwork modules.

The linking elements (fig 6) comprise a receiving slot and linking pin (33) that extends perpendicular to the arm (32).

3. Troiel does not expressly disclose the reinforcing elements being v-shaped.

Cluyse teaches a formwork system having reinforcing elements (12,16) that are v-shaped. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the formwork system of Troiel by making the reinforcing elements v-shaped as taught by Cluyse to create a stronger form surface.

4. Troiel in view of Cluyse does not expressly disclose the linking element being a rectangular element having a receiving slot. Wolf teaches a linking element as seen in figures 4 and 5. The linking element has rectangular plate (12) with a receiving slot (13) and a linking pin (10). As seen in figure 5 the rectangular element is folded at an angle. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the formwork system of Troiel in view of Cluyse by replacing the linking element with the one taught by Wolf as a simple substitution of an equivalent structure.

5. Troiel in view of Cluyse and Wolf does not expressly disclose the linking pin having a curved end. Hummel teaches a formwork system comprising a multiple form modules connected via linking elements (30). The linking elements have a slot between element (33) and arm (32) that is comparable to the receiving slot structure as taught by Troiel. The curved end (31) of the linking pin fits in holes in the side elements. At the time of the invention it would have been obvious to modify the linking pin of Troiel in view of Cluyse and Wolf by using the curved pin structure (as taught by Hummel) that

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extends from the arm of the receiving slot, since applicant has not disclosed that having the pin with the specific curved shape solves any stated problem or is for any particular purpose and it appears that the pin without the curve would perform equally well with since it is functionally equivalent and appears to be just as easy to assemble and manufacture.

6. Regarding claim 23, Troiel in view of Cluyse, Wolf, and Hummel does not expressly disclose a demoulding material. It is admitted prior art that it is well known to in the art of molding and specifically in concrete molding to use a demoulding or release agent that is commonly an oil, wax or similar substance to make it easier to remove the forms once the concrete is cured. The common knowledge or well-known in the art statement is taken to be admitted prior art because applicant failed to traverse the examiner's assertion of official notice in the office action mailed on 10/14/10. See MPEP 2144.03. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the formwork system of Troiel in view of Cluyse, Wolf, and Hummel by adding a demoulding material to the surface of the formwork to help release the forms from the concrete.

7. Claim 19 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 2,017,553 to Troiel in view of US Patent 2,963,763 to Cluyse, US Patent 3,930,633 to Wolf, and US Patent 2,693,628 to Hummel as applied to claim 15 above, and further in view of US Patent 2,151,210 to Jennings. Troiel in view of Cluyse, Wolf, and Hummel discloses every element as claimed and discussed above except a latching slot

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perpendicular to the receiving hole. Jennings teaches a formwork system having receiving holes (15) that receive a curved end of the locking pin (21) while the other end fits into a slot as in figure 4. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the locking elements of the formwork system of Troiel in view of Cluyse, Wolf, and Hummel by adding a slot and replacing the bent nail with the curved pin as taught by Jennings to prevent accidental engagement of the locking pin.

8. Claims 24-26 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 2,017,553 to Troiel in view of US Patent 2,963,763 to Cluyse and US Patent 1,970,547 to Anderson. Troiel teaches a modular formwork system for concrete molding comprising multiple formwork modules (10). The formwork module (10) has reinforcing elements (18) and strut elements (11). Distance elements (15) are attached via locking elements that are bent nails into receiving holes (12) in the top flange (11) that is considered to be positioned at the corners on the back surface as in figure 1. Linking elements (17) are used to help align adjacent formwork modules. Alignment elements (21,21a) and gripping elements (fig 7 and 8) help to true up to modules into a straight configuration. An L-shaped angular element (41) creates an outer corner connection between formwork modules while rectangular shaped (40) creates an internal corner between formwork modules. The linking elements (fig 6) comprise a receiving slot and linking pin (33) that extends perpendicular to the arm (32).

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9. Troiel does not expressly disclose the reinforcing elements being v-shaped.

Cluyse teaches a formwork system having reinforcing elements (12,16) that are v-shaped. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the formwork system of Troiel by making the reinforcing elements v-shaped as taught by Cluyse to create a stronger form surface.

10. Troiel in view of Cluyse does not expressly disclose the pair of spaced hooks of the alignment arrangement inserted into a plurality of holes in the side members.

Anderson teaches a formwork system having an alignment element (17) that is held onto the formwork module by a gripping element (19). The gripping element has a pair of curved end portions (20) inserted into a holes (6) on the side elements of the formwork module. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the formwork system of Troiel in view of Cluyse by adding another gripping element of Troiel to the existing holes in the side elements as taught by Anderson as an alternative method of attachment of the gripping element to the formwork.

11. Regarding claim 30, Troiel in view of Cluyse does not expressly disclose a demoulding material. It is admitted prior art that it is well known to in the art of molding and specifically in concrete molding to use a demoulding or release agent that is commonly an oil, wax or similar substance to make it easier to remove the forms once the concrete is cured. The common knowledge or well-known in the art statement is taken to be admitted prior art because applicant failed to traverse the examiner's assertion of official notice in the office action mailed on 10/14/10. See MPEP 2144.03.

At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the formwork system of Troiel in view of Cluyse by adding a demoulding material to the surface of the formwork to help release the forms from the concrete.

12. Claim 27 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 2,017,553 to Troiel in view of US Patent 2,963,763 to Cluyse and US Patent 1,970,547 to Anderson as applied to claim 24 above, and further in view of US Patent 2,151,210 to Jennings. Troiel in view of Cluyse and Anderson discloses every element as claimed and discussed above except a latching slot perpendicular to the receiving hole. Jennings teaches a formwork system having receiving holes (15) that receive a curved end of the locking pin (21) while the other end fits into a slot as in figure 4. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the formwork system of Troiel in view of Cluyse and Anderson by adding a slot and replacing the bent nail with the curved pin as taught by Jennings to prevent accidental engagement of the locking pin.

Response to Arguments

13. Applicant's arguments filed 2/14/11 have been considered but are moot in view of the new ground(s) of rejection. The amendments provide new limitations that were not taught by the previous rejections. These new features are considered to be taught by

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the new references of Wolf (linking element of claim 15) and Anderson (hooks of the alignment arrangement of claim 24).

14. No objections to the Official notices were expressed and therefore the statement made is considered admitted prior art. Per 2144.03, "If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse inadequate."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY M. AYRES whose telephone number is (571)272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell Jayne can be reached on (571) 272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M. A./
Examiner, Art Unit 3637
5/2/2011

/Darnell M Jayne/
Supervisory Patent Examiner, Art
Unit 3637